United Nations S/AC.49/2016/61

Security Council

Distr.: General
6 September 2016
English
Original: English/Russian

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 6 September 2016 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Kazakhstan to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit the national action plan of the Republic of Kazakhstan to implement Security Council resolution 2270 (2016) of 2 March 2016 (see annex).

16-17611 (E) 171016 211016

Please recycle

Annex to the note verbale dated 6 September 2016 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chair of the Committee

[Original: Russian]

National action plan of the Republic of Kazakhstan to implement Security Council resolution 2270 (2016) of 2 March 2016

1. The Ministry of Foreign Affairs of the Republic of Kazakhstan wishes to report that, if it is determined that a diplomat, governmental representative, or other national of the Democratic People's Republic of Korea (DPRK) acting in a governmental capacity is working on behalf or at the direction of a designated individual or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), then the Republic of Kazakhstan shall expel the individual from its territory for the purpose of repatriation to the DPRK, consistent with applicable national and international law.

Moreover, as a consequence of implementing the obligations imposed in paragraph 8 (d) of resolution 1718 (2006) and paragraphs 8 and 11 of resolution 2094 (2013), the State authorities of the Republic of Kazakhstan shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for or on their behalf, directly or indirectly, from participating in joint ventures or any other business arrangements, and if a representative of such an office is a DPRK national, then the individual must be expelled from the territory of Kazakhstan for the purpose of repatriation to the DPRK, consistent with applicable national and international law, pursuant to and consistent with paragraph 10 of resolution 2094 (2013).

2. The State authorities of the Republic of Kazakhstan shall, within their spheres of competence:

- Prevent specialized teaching or training of DPRK nationals, within the territory of Kazakhstan or by its nationals, of disciplines that could contribute to the DPRK's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines;
- Inspect the cargo within or transiting through the territory of Kazakhstan, including in airports, seaports and free trade zones, that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, or by designated individuals or entities, or that is being transported on DPRK-flagged aircraft or maritime vessels, for the purposes of ensuring that no items are transferred in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016). Such inspections must be implemented in a manner that

minimizes the impact on the transfer of cargo that is for humanitarian purposes;

– Prohibit nationals of Kazakhstan and those in its territory from leasing or chartering its flagged vessels or aircraft or providing crew services to the DPRK (this prohibition shall also apply with respect to any designated individuals or entities, any other DPRK entities, any other individuals or entities whom the State determines to have assisted in the evasion of sanctions or in violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), any individuals or entities acting on behalf or at the direction of any of the aforementioned, and any entities owned or controlled by any of the aforementioned); deregister any vessel that is owned, operated or crewed by the DPRK and not register any such vessel that is deregistered by another Member State pursuant to paragraph 19 of resolution 2270 (2016). This last provision shall not apply with respect to such leasing, chartering or provision of crew services notified to the Security Council in advance on a case-by-case basis accompanied by:

(a) Information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue;

(b) Information on measures taken to prevent such activities from contributing to violations of the aforementioned resolutions.

3. The State authorities of the Republic of Kazakhstan shall, within their spheres of competence:

– Deny permission to any aircraft to take off from, land in or overfly, unless under the condition of landing for inspection, the territory of Kazakhstan, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), except in the case of an emergency landing, and when considering whether to grant overflight permission to flights shall assess known risk factors;

– Prohibit the entry into Kazakh ports of any vessel if there is information that provides reasonable grounds to believe the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), unless entry is required in the case of emergency or in the case of return to its port of origination, or for inspection, or unless the Security Council determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of resolution 2270 (2016);

– Bear in mind that, as the Security Council Committee established pursuant to resolution 1718 (2006) has designated the DPRK firm Ocean Maritime Management (OMM), the vessels specified in annex III of resolution 2270 (2016) are economic resources controlled or operated by OMM and are

therefore subject to the asset freeze imposed in paragraph 8 (d) of resolution 1718 (2006);

- Prohibit the acquisition by Kazakh nationals of gold, titanium ore, vanadium ore and rare earth minerals from the DPRK;

- Prevent the sale or supply by nationals of Kazakhstan, from its territory or using its flag vessels or aircraft, of aviation fuel, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel, whether or not originating in the territory of Kazakhstan, to the territory of the DPRK. This provision shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight;

- Implement the asset freeze imposed by paragraph 8 (d) of resolution 1718 (2006), which shall apply to all the funds, other financial assets and economic resources outside of the DPRK that are owned or controlled, directly or indirectly, by entities of the Government of the DPRK or the Worker's Party of Korea, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, that Kazakhstan determines are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016);

- Prohibit, in the territory of Kazakhstan, the opening and operation of new branches, subsidiaries and representative offices of DPRK banks, and also prohibit financial institutions within the territory of Kazakhstan from establishing new joint ventures and from taking an ownership interest in or establishing or maintaining correspondent relationships with DPRK banks, unless such transactions have been approved by the Security Council Committee in advance, and shall take the necessary measures to close such existing branches, subsidiaries and representative offices, and also to terminate such joint ventures, ownership interests and correspondent banking relationships with DPRK banks within ninety days from the adoption of resolution 2270 (2016);

- Prohibit financial institutions within the territory of Kazakhstan from opening new representative offices or subsidiaries, branches or banking accounts in the DPRK;

- Take the necessary measures to close existing representative offices, subsidiaries or banking accounts in the DPRK within ninety days, if Kazakhstan has credible information that provides reasonable grounds to believe that such financial services could contribute to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016). This provision shall not apply if the Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations or the activities of the United Nations or its specialized agencies or related organizations, or for any other

purposes consistent with resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016);

- In connection with the concern that transfers to the DPRK of gold may be used to evade the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), State authorities of the Republic of Kazakhstan shall, within their spheres of competence, apply the measures set forth in paragraph 11 of resolution 2094 (2013) to the transfers of gold, including through gold couriers, transiting to and from the DPRK so as to ensure such transfers of gold do not contribute to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016);

- With regard to the freezing of assets, suspension of business activities, etc., the State authorities of the Republic of Kazakhstan shall be guided by the annex to resolution 2270 (2016);

- The State authorities of the Republic of Kazakhstan shall inform the Ministry of Foreign Affairs within one day of all information discovered and action taken thereon under this action plan.